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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PTO/SB/05 (08-03)

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. SPS 102/105  
First Inventor Mark R. Kreitz  
Title Nanoparticulate Bioactive Agents  
Express Mail Label No. EL 717746113 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 52]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner: .....

Art Unit: .....

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23579 OR ☐ Correspondence address below

Name Patrea L. Pabst, Holland & Knight LLP  
Address 2000 One Atlantic Center  
1201 West Peachtree Street  
City Atlanta State GA Zip Code 30309-3400  
Country United States of America Telephone (404) 817-8473 Fax (404) 817-8588

Name (Print/Type) Patrea L. Pabst Esq. Registration No. (Attorney/Agent) 31,284  
Signature [Signature] Date October 30, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

079141/00008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz, David J. Ensore and  
Michael J. Bassett

Serial No.: Express Mail Label No.: EI 717746113 US

Filed: October 30, 2003 Date of Deposit: October 30, 2003

For: NANOPARTICULATE BIOACTIVE AGENTS

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL LETTER  
FOR PATENT APPLICATION AND CERTIFICATE OF MAILING**

Sir:

Pursuant to 35 U.S.C. § 21(a) as amended by Public Law 97-247 and 37 C.F.R. § 1.10, applicants enclose for filing the attached patent application entitled "*Nanoparticulate Bioactive Agents*", which claims priority to U.S.S.N. 60/423,093 filed October 30, 2002, and to U.S.S.N. 60/490,343 filed July 25, 2003. The application includes 1 page of abstract, 48 pages of specification, 3 pages of claims, 7 sheets of informal drawings, and an unexecuted Declaration for Patent Application. An executed Declaration for Patent Application, Assignment of rights in the application from Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz, David J. Ensore and Michael J. Bassett to Spherics, Inc., Power of Attorney or Authorization of Agent, and a Statement Under 37 C.F.R. § 3.73(b) will be submitted shortly.

Commissioner is authorized to charge Deposit Order Account No. 50-1868 in the amount of \$778.00 to cover the filing fee for a small entity. It is believed that this is the proper filing

Title: NANOPARTICULATE BIOACTIVE AGENTS  
Filed: October 30, 2003  
Express Mail Transmittal Letter for  
Patent Application and Certificate of Mailing  
Express Mail Label No.: EI 717746113 US  
Date of Deposit: October 30, 2003

fee for a small entity as the application contains multiple dependent claim, 5 independent claims, and a total of 38 claims.

This application is entitled to claim small entity status under 37 C.F.R. § 1.27.

This application is being filed on October 30, 2003, by mailing the application to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment in connection with this application, to Deposit Order Account No. 50-1868. To facilitate this process, applicants have enclosed a duplicate of this transmittal.

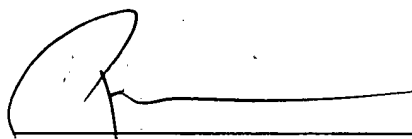
Title: NANOPARTICULATE BIOACTIVE AGENTS  
Filed: October 30, 2003  
Express Mail Transmittal Letter for  
Patent Application and Certificate of Mailing  
Express Mail Label No.: EI 717746113 US  
Date of Deposit: October 30, 2003

All correspondence concerning this application should be mailed to:

**Customer No. 23579**  
**Patrea L. Pabst, Esq.**  
**HOLLAND & KNIGHT LLP**  
**Suite 2000, One Atlantic Center**  
**1201 West Peachtree Street, N.E.**  
**Atlanta, Georgia 30309-3400**

**(404) 817-8473 (Telephone)**  
**(404) 817-8588 (Fax)**

Respectfully submitted,



Patrea L. Pabst  
Reg. No. 31,284

Date: October 30, 2003

**HOLLAND & KNIGHT LLP**  
**Suite 2000, One Atlantic Center**  
**1201 West Peachtree Street, N.E.**  
**Atlanta, Georgia 30309-3400**  
**(404) 817-8473 (Telephone)**  
**(404) 817-8588 (Fax)**

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this Express Mail Transmittal Letter for Patent Application and Certificate of Mailing and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, October 30, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717746113 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Pam Turnbough

Date: October 30, 2003

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 778.00)

**Complete if Known**

Application Number	Not yet assigned
Filing Date	October 30, 2003
First Named Inventor	Mark R. Kreitz
Examiner Name	Not yet assigned
Art Unit	Not yet assigned
Attorney Docket No.	SPS 102/105

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1868

Holland &amp; Knight LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 385.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
38	-20** = 18	x 9.00 =	162.00
Independent Claims	5	-3** = 2	x 43.00 = 86.00
Multiple Dependent			145.00 = 145.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 393.00)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ .00)

**SUBMITTED BY**

Name (Print/Type)	Patea L. Pabst	Registration No. (Attorney/Agent)	31,284	Telephone	(404) 817-8473
Signature		Date	October 30, 2003		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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